IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

CRP.No. 977 of 2003()

OS.316/2002 of SUB COURT, MAVELIKKARA

.....

REVN. PETITIONER: PETITIONER/DEFENDANT

NUJUMUDEEN, ODACKAL THEKKETHIL HOUSE,
KAYAMKULAM MURI, KAYAMKULAM VILLAGE.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS: PLAINTIFF

M.B.MANOHAR LAL, MULANTHALA VEEDU,
CHIRAKKADAVAM MURI, KAYAMKULAM VILLAGE.

BY ADV. SRI.K.HARILAL

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP NO.977/2003

ORDER ON CMP NO.2327/2003 IN CRP NO.977/2003

DISMISSED

12.7.2007 SD/- PIUS C.KURIAKOSE, JUDGE

/TRUE COPY/

P.A. TO JUDGE

PIUS C. KURIAKOSE, J.

C.R.P. NO. 977 OF 2003

Dated this the 12th day of July, 2007

O R D E R

The learned counsel for the petitioner is absent. However, it is fairly conceded on behalf of the respondent that the issue is covered in favour of the petitioner in the light of the principles laid down by the Supreme Court in the decision reported in **Kailash v. Nanhku (2005 (2) KLT 623)**. The written statement filed by the petitioner before the court below was rejected on the ground that the same is filed beyond 90 days of receiving summons. Naturally, in view of the principles laid down by the Supreme Court in Kailash's case (supra) the impugned order has to be set aside.

2. Accordingly, I set aside the impugned order and direct the petitioner to re-present the written statement which was returned to him as per the impugned order within three weeks of receiving a copy of this judgment. If, within the aforesaid time limit, the written statement is re-presented by the petitioner, the

court below will entertain that written statement, formulate issues on the basis of the contention raised therein and dispose of the suit at the earliest. Being a money suit of the year 2002, the learned Subordinate Judge will expedite the trial and disposal of the suit at any rate within four months of the issue being formulated.

The Civil Revision Petition is disposed of as above.

PIUS C. KURIAKOSE,
JUDGE.

Dpk

PIUS C.KURIAKOSE, J

C.R.P.NO.977 OF 2003 B

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12TH JULY 2007